

REMARKS

Claims 1-15 are pending in the application. Claims 1 and 14 are independent. The Examiner has indicated that claims 2 and 9-11 as containing allowable subject matter.

Claims 1-15 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject which applicant regards as the invention. The Examiner objects to the use of the phrase "the or each". Although the Applicant disagrees with the Examiner, the claims have been amended as suggested. The scope of the claims is unchanged.

Claims 1, 3, 6, 7, and 12-14 stand rejected under 35 U.S.C. §103(a) as obvious over Gullman et al.

Previously, the Applicant argued that a biometric template is the antithesis of a complex image and submitted abundant evidence in support of this argument. The Examiner responded to that argument by citing col. 3, lines 43-44 of Gullman where it is stated that "the biometric information may be a fingerprint, voiceprint, or writing sample."

It is the Applicant's position that this statement in the Gullman reference is false, a mistake made by the attorney who drafted the application. In the context of the remainder of the Gullman reference, it is clear that this statement cannot be correct. Moreover, the evidence previously provided by the Applicant is in complete agreement that biometric information is not a complex image, it is a metric. The storage means disclosed in Gullman are insufficient for storing complex images, but are sufficient for storing metrics.

Further, although Gullman mistakenly states that biometric information can be a fingerprint, when it comes to storing biometrics, Gullman never states that biometric information is stored. Instead, Gullman always refers to biometric templates as what is stored. It would appear that Gullman uses the term "biometric template" to mean what is commonly known as "biometrics", i.e. a simplified mathematical representation of a complex image such as a fingerprint. Thus, a careful reading of Gullman shows that Gullman specifically teaches that complex images are not stored.

If the Examiner requests further proof of the difference between complex images and biometrics, the Applicant can supply an Affidavit from an expert in the field.

Claim 4 stand rejected under 35 U.S.C. §103(a) as obvious over Gullman et al. in view of Davies. The arguments made above regarding claims 1 and 14 apply to claim 4 as well. The Applicant also stands by the arguments made in the previous amendment.

Claims 5, 8, and 15 stand rejected under 35 U.S.C. §103(a) as obvious over Gullman in view of Gilchrist. These dependent claims are allowable for the same reasons as described above with reference to claims 1 and 14. The Applicant also stands by the arguments made in the previous amendment.

In light of all of the above, it is submitted that all of the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

A handwritten signature in cursive script, reading "David P. Gordon".

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